



Entered on Docket
September 03, 2010

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

WILDE & ASSOCIATES
Gregory L. Wilde, Esq.
Nevada Bar No. 004417
212 South Jones Boulevard
Las Vegas, Nevada 89107
Telephone: 702 258-8200
Fax: 702 258-8787
Wells Fargo Bank, N.A.
10-71776

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In Re:

Richard McMillon

Debtor.

BK-S-10-11594-lbr

MS Motion No. 29
Date: July 21, 2010
Time: 10:30 a.m.

Chapter 13

ORDER RE ADEQUATE PROTECTION

Secured Creditor's Motion for Relief from the Automatic Stay having come on for hearing in the above-entitled Court, all appearances as noted on court record, and based upon all the papers and pleadings on file herein and good cause appearing therefore.

IT IS HEREBY ORDERED, ADJUDGED and DECREED that the debtor will cure the post-petition arrearages currently due as follows:

5 Monthly Payments at \$1,769.41 (March 1, 2010 - July 1, 2010)	\$8,847.05
5 Late Charges at \$70.78 (March 16, 2010 - July 16, 2010)	\$283.12
Post Petition Property Inspections	\$45.00
Post Petition NSF Fee	\$25.00
Motion for Relief Filing Fee	\$150.00
Attorneys Fees	\$750.00
Total	\$10,100.17

The total arrearage shall be paid in six monthly installments. Payments one through five (1-5) in the amount of \$1,683.37 shall be in addition to the regular monthly payment and shall be due on or before the 20th day of the month commencing with the August 20, 2010 payment and continuing throughout and concluding on or before December 20, 2010. The sixth final payment in the amount of \$1,683.32 shall be paid on or before January 20, 2011.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Secured Creditor shall give Debtor at least five business days' notice of the time, place and date of sale.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Debtor shall resume and maintain the regular monthly payments in a timely fashion, outside of any Bankruptcy Plan, beginning with the August 1, 2010 payment, on Secured Creditor's Trust obligation, encumbering the subject Property, generally described as 8221 Flowing Rapids Court , Las Vegas, NV 89131, and legally described as follows:

PARCEL ONE (1):

LOT ONE HUNDRED THIRTY-FOUR (134) IN BLOCK FOUR (4) OF TULE SPRINGS RANCH SOUTH - UNIT 2 AS SHOWN BY MAP THEREOF ON FILE IN BOOK 98 OF PLATS, PAGE 73 IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA.

PARCEL TWO (2):

A NON-EXCLUSIVE EASEMENT OF INGRESS, EGRESS AND ENJOYMENT, IN AND TO THE ASSOCIATION PROPERTY AS SET FORTH IN THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR FOUR WINDS RECORDED JUNE 9, 2000 IN BOOK 20000609 AS DOCUMENT NO. 00887, AS THE SAME MAY FROM TIME TO TIME BE AMENDED AND/OR SUPPLEMENTED IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA, WHICH EASEMENT IS APPURTENANT TO PARCEL ONE (1).

1 IT IS FURTHER ORDERED, ADJUDGED and DECREED that if the Debtor fails to make
 2 any payments as stated in this Order, or fail to maintain the regular monthly payments on Secured
 3 Creditor's Trust Deed obligation, allowing the normal grace period, then Secured Creditor may file
 4 and serve upon Debtors and Debtors' counsel, a fifteen (15) Day Notice Declaration Re Breach of
 5 Condition. For each such Declaration Re Breach of Condition filed, there shall be assessed an
 6 attorney fees of \$100.00, to be paid by the Debtors upon any reinstatement. If upon the sixteenth
 7 (16th) day Debtors have failed to cure the delinquency, then Secured Creditor may submit to this
 8 Court an Order vacating the automatic stay as to Secured Creditor, and Secured Creditor may
 9 thereafter proceed with foreclosure proceedings upon the subject Property, pursuant to applicable
 10 State Law, and take any action necessary to obtain complete possession thereof.

11
 12 Submitted by:

13 WILDE & ASSOCIATES

14
 15 By  #0099

16 GREGORY L. WILDE, ESQ.
 17 Attorneys for Secured Creditor
 212 South Jones Boulevard
 Las Vegas, Nevada 89107

18 APPROVED AS TO FORM & CONTENT:

19 Kathleen A Leavitt

20 By _____

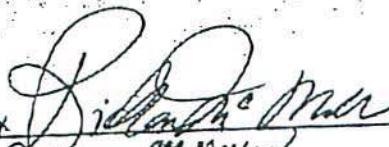
21 Kathleen A Leavitt
 22 Chapter 13 Trustee
 201 Las Vegas Blvd., So. #200
 23 Las Vegas, NV 89101

Ryan Alexander

By 

Ryan Alexander
 Attorney for Debtors
 520 S. 4th St.
 Las Vegas, NV 89148

24 Nevada Bar No. 10845

25
 26 
 Richard McMillon
 Debtor

IT IS FURTHER ORDERED, ADJUDGED and DECREED that if the Debtor fails to make any payments as stated in this Order, or fail to maintain the regular monthly payments on Secured Creditor's Trust Deed obligation, allowing the normal grace period, then Secured Creditor may file and serve upon Debtors and Debtors' counsel, a fifteen (15) Day Notice Declaration Re Breach of Condition. For each such Declaration Re Breach of Condition filed, there shall be assessed an attorney fees of \$100.00, to be paid by the Debtors upon any reinstatement. If upon the sixteenth (16th) day Debtors have failed to cure the delinquency, then Secured Creditor may submit to this Court an Order vacating the automatic stay as to Secured Creditor, and Secured Creditor may thereafter proceed with foreclosure proceedings upon the subject Property, pursuant to applicable State Law, and take any action necessary to obtain complete possession thereof.

Submitted by:

WILDE & ASSOCIATES

By 

GREGORY L. WILDE, ESQ.
Attorneys for Secured Creditor
212 South Jones Boulevard
Las Vegas, Nevada 89107

APPROVED AS TO FORM & CONTENT:

Kathleen A Leavitt

By 

Kathleen A Leavitt
Chapter 13 Trustee
201 Las Vegas Blvd., So. #200
Las Vegas, NV 89101

Ryan Alexander

By 

Ryan Alexander
Attorney for Debtors
520 S. 4th St.
Las Vegas, NV 89148

Nevada Bar No. 10845


Richard McMillen
Debtor

1 In accordance with Local Rule 9021, counsel submitting this document certifies that the order accurately
2 reflects the court's ruling and that (check one):

3 ☐ The court has waived the requirements set forth in LR 9021(b)(1).

4 ☐ No party appeared at the hearing or filed an objection to the motion.

5 ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and
6 any unrepresented parties who appeared at the hearing, and each has approved or
7 disapproved the order, or failed to respond, as indicated below [list each property and
8 whether the party has approved, disapproved, or failed to respond to the document]:

9 ☒ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the
10 motion pursuant to LR 9014(g), and that no party has objected to the form or content of the
11 order.

12 Debtor's counsel:

13 ☒ approved the form of this order ☐ disapproved the form of this order

14 ☐ waived the right to review the order and/or ☐ failed to respond to the document

15 ☐ appeared at the hearing, waived the right to review the order

16 ☐ matter unopposed, did not appear at the hearing, waived the right to review the order

17 Trustee:

18 ☒ approved the form of this order ☐ disapproved the form of this order

19 ☐ waived the right to review the order and/or ☐ failed to respond to the document

20 ☐ This is a chapter 9, 11, or 15 case, and I have delivered a copy of this proposed order to all
21 counsel who appeared at the hearing, and any trustee appointed in this case any unrepresented
22 parties who appeared at the hearing, and each has approved or disapproved the order, or failed to
23 respond, as indicated below.

24 Debtor's counsel:

25 ☐ approved the form of this order ☐ disapproved the form of this order

26 ☐ waived the right to review the order and/or ☐ failed to respond to the document

☐ appeared at the hearing, waived the right to review the order

☐ matter unopposed, did not appear at the hearing, waived the right to review the order

Trustee:

☐ approved the form of this order ☐ disapproved the form of this order

☐ waived the right to review the order and/or ☐ failed to respond to the document

☐ I certify that I have served a copy of this order with the motion, and no parties appeared or filed
written objection.

Submitted by:

/s/ Gregory L. Wilde, Esq.

Gregory L. Wilde, Esq.

Attorney for Secured Creditor